

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Criminal Case No. 21-20379

Jason Michael Bonin,

Sean F. Cox

United States District Court Judge

Defendant.

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ORDER FOR COMPETENCY HEARING

In this criminal action, Defendant Jason Michael Bonin (“Defendant”) is charged with one count of Transmitting Interstate/Foreign Commerce Communication Threat to Injure. The matter recently came before the Court when Defendant appealed the magistrate judge’s order of detention. This Court denied that motion.

In reviewing Defendant’s motion, this Court reviewed various materials, including the Pretrial Services Report. The Pretrial Services Report indicates that Defendant’s grandmother advised that, one or two years ago, Defendant was diagnosed with being bi-polar and having schizophrenia. She advised that Defendant has been hospitalized on at least three or four occasions and she does not believe that treatment has helped Defendant.

The Pretrial Services Report also states that, during his interview, Defendant appeared agitated and only answered questions vaguely or not at all. Defendant stated that he has dyslexia and “is retarded.” Defendant declined to answer any further questions about his mental health or substance abuse.

Pursuant to 18 U.S.C. § 4241(a), this Court may order a competency hearing “on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from

a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.”

Given the above information set forth in the Pretrial Services Report, and having observed Defendant during the proceedings in this case thus far, the Court finds that there is reasonable cause to believe that Defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to stand trial. The Court hereby **ORDERS**, pursuant to 18 U.S.C. §§ 4241-4247, that:

- (1) a psychiatrist or psychologist employed by the United States be appointed, authorized, and directed to examine the mental condition of Defendant. *Id.* §§ 4241(a),(b), 4247(b);
- (2) the examining psychiatrist or psychologist prepare, as soon as practical, a written report that includes (1) Defendant’s history and present symptoms; (2) a description of the psychiatric, psychological, and medical tests that were employed and their results; (3) the examiner’s findings; and (4) the examiner’s opinions as to diagnosis, prognosis, and whether Defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. *See* 18 U.S.C. §§ 4241(b), 4247(c);
- (3) the examiner will promptly file the written report with this Court and provide copies of the report to defense counsel and the attorney for the Government. *See* §4247(c). The report may be used only for purposes of a competency hearing. Statements made by Defendant in the course of the psychological examination are not admissible unless Defendant raises the defense of insanity; and
- (4) the period beginning this date, August 17, 2021, and ending with the conclusion of the competency hearing, *see id.* §§ 4241(c), 4247(d), which will take place at a date and time set by the Court after the Court and parties receive the examiner’s written report, be deemed excludable delay under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(1)(A) and (h)(1)(F), and that the period beginning the day after the conclusion of the

competency hearing and ending with the Court's competency ruling or with the lapse of 30 days, whichever occurs first, be deemed excludable delay pursuant to 18 U.S.C. § 3161(h)(1)(H).

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: August 17, 2021